

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

GEORGE D. McCARLEY,	)	
	)	
Plaintiff,	)	
	)	
	)	
v.	)	
	)	CIVIL ACTION NO. 3:06CV91-MEF
HOUSEHOLD FINANCE	)	
CORPORATION III, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER ON MOTION**

On October 1, 2007, Plaintiff filed a Motion for Leave (Doc. #79) to file a joint Motion to Compel Discovery and a Motion for Sanctions under Rule 11. Upon consideration of Plaintiff's request for leave, it is

ORDERED that the motion (Doc. #79) is GRANTED IN PART and DENIED IN PART. McCarley's motion for leave to file a motion to compel is GRANTED. McCarley, however, shall file an amended motion to compel specifically identifying which interrogatories remain outstanding **on or before October 10, 2007**. McCarley should provide a short statement concisely listing the interrogatory number which remains unanswered. The statement should **not** discuss the merits of his RESPA claim, nor should it discuss the truthfulness of Defendants' response(s). There after, Defendant shall file a response to the motion to compel **on or before October 24, 2007**. At that date, the motion will be submitted for decision. It is further

ORDERED that McCarley's motion for leave to file a Motion for Sanctions under Rule 11 is DENIED for two reasons. First, procedurally, the rule specifically provides that "[a] motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b)." Fed. R. Civ. P. 11(c)(1)(A). The rule clearly precludes McCarley from combining a motion to compel with a motion for sanctions under Rule 11. Second, and more importantly, McCarley seeks sanctions under Rule 11 for alleged discovery violations. Rule 11 unequivocally states that sanctions under this rule "do not apply to disclosures and discovery requests, responses, objections, and motions subject to the provisions of Rule 26 through 37." Fed. R. Civ. P. 11(d) (emphasis provided). McCarley is not entitled to invoke the provisions of Rule 11 in seeking sanctions against Defendants. It is further

ORDERED that the Clerk of Court shall overnight mail this order to Plaintiff.

DONE this 3rd day of October, 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE